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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takashi Yoshifuku

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03/23/2007

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/932,399

Applicant(s)

YOSHIFUKU ET AL.

Examiner

Mary Cheung

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the restriction election filed on December 20, 2006.

Claims 1-17 are pending. Claims 1-13 are elected without traverse. Claims 14-17 are withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said account information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said account information" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler et al., US 5,732,400 in view of Takatsu et al., US 6,963,843 B1 and Office Notice.

As to claim 1, Mandler teaches a settlement method using an electronic credit payment in a settlement system, comprising (column 4 lines 38-42):

- a seller device, a buyer device owned by a buyer to trade with a seller having said seller device, an intermediary company device owned by an intermediary company to mediate a trade of goods between said seller and said buyer, and a bank device having a storage section, (Fig. 1B; *“intermediary company device” corresponds to the broker computer in Mandler’s teaching, and “banking device” corresponds to financial clearinghouse in Mandler’s teaching*);
- wherein said bank device stores upper limit information indicating an upper limit of an amount of the goods sold to said buyer by said intermediary company to be paid to the seller (column 10 lines 32-51 and column 14 lines 6-18), receives approval request information for requesting an electronic credit payment issue approval including amount information which indicates a price of the goods sold to said buyer by said seller from said intermediary company device (column 14 lines 6-18), and transmits approval information to said intermediary company device if said upper limit information is lower than said amount information (column 14 lines 20-38 and Figs. 5A-5B), and

- wherein said intermediary company device receives said approval information, and transmit the credit payment information to said seller device (column 14 lines 52-55),

Mandler teaches request and generate electronic credit payment information as discussed above. Mandler does not specifically teach requesting and generate electronic credit note. However, Takatsu teaches requesting and generate electronic credit note, which the electronic credit note is data representing a contract to pay amount on the basis of the received approval information (column 2 lines 30-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Mandler's teaching to include the features requesting and generate electronic credit note as taught by Takatsu for allowing the buyer to purchase goods without paying the full amount at once.

Mandler modified by Takatus does not specifically teach the credit note comprising pay amount at a predetermined date. Office Notice is taken regarding the predetermined date of payment amount indicated on a credit note. It would have been obvious to one of ordinary skill in the art to allow the predetermined date of payment amount included in a credit note for allow borrower to the when the payment is due.

Mandler modified by Takatus teaches the goods sold to the buyer by the seller through the intermediary company as discussed above. Mandler modified by Takatus does not specifically teach the goods sold to the intermediary company to by said seller. It would have been obvious to one of ordinary skill in the art to allow the goods to be

sold to the intermediary company so that the intermediary company can conveniently provide the goods to the buyers.

Mandler modified by Takatus does not specifically teach sending said generated result as said electronic credit note issue information to said bank device. It would have been obvious to one of ordinary skill in the art to allow the generated result as said electronic credit note issue information to be sent to the bank device for better confirming the final contract of the credit note.

As to claim 2, Mandler teaches the bank device stores discount rate information of said amount payment associating it with said upper limit information and transmits said discount rate information to said seller device via said intermediary company device (column 4 lines 25-29 and column 10 lines 44-51).

As to claim 3, Mandler modified by Takatsu further teaches said bank device transmits a refusal notice to said intermediary company device regarding the issue of said electronic credit note if said account information is greater than said upper limit information and wherein said intermediary company device receives said refusal notice (Mandler: column 17 lines 52-67 and Figs. 5A-5B; Takatsu: see claim 1 above).

Mandler modified by Takatsu does not specifically teach notifies said seller that said electronic credit note is not issued. It would have been obvious to one of ordinary skill in the art to allow the seller to be notified for the credit note is not being issued so that the seller would know the status of the trade of the goods.

As to claim 4, Mandler modified by Takatsu further teaches said electronic credit note issue information includes said account information and wherein said bank device

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stores said account information as unsettled balance information in said storage section with associating it with said upper limit information corresponding to said buyer (Mandler: column 10 lines 32-51 and Takatsu: see claim 1 above).

As to claim 5, Mandler teaches said approval request information is generated on the basis of invoice information for claiming a value of the goods sold to said intermediary company by said seller (column 14 lines 29-38 and see claim 1 above).

As to claim 6, said bank device associates a seller identifier given to said each seller, a buyer identifier given to said each buyer, said upper limit information, and said discount rate information with each other and stores them (column 10 lines 32-51).

Claims 7-13 are parallel with the limitations in claims 1-6; thus, they are rejected on the same basis.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
(571) 273-6705 (Draft Communications)

Mary Cheung
March 16, 2007



**MARY D. CHEUNG
PRIMARY EXAMINER**